

MINUTES OF COUNCIL REGULAR MEETING – OCTOBER 16, 2007

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THE WEST VALLEY CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, OCTOBER 16, 2007, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY TEMPORARY MAYOR PRO TEM PETERSON (PREVIOUSLY ELECTED IN COUNCIL STUDY MEETING).

THE FOLLOWING MEMBERS WERE PRESENT:

Margaret K. Peterson
Carolynn Burt
Joel Coleman
Steve Vincent
Mike Winder

Paul Isaac, Acting City Manager
Carel Hicks, Acting City Recorder

ABSENT: Dennis J. Nordfelt
Russ Brooks

STAFF PRESENT:

Russell Willardson, Public Works Director
Richard Catten, City Attorney
Jim Welch, Finance Director
John Evans, Fire Chief
Craig Black, Acting Chief of Police
John Janson, Acting CED Director
Aaron Crim, Administration

13469 **OPENING CEREMONY**

The Opening Ceremony was conducted by Mike Winder who read an antidote regarding a man researching his family history and discovering an ancestor with an unsavory past. When the historian wrote about the ancestor he left out several details and put a positive spin on his life's accomplishments.

13470 **APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 2, 2007**

The Council read and considered the Minutes of the Regular Meeting held October 2, 2007. There were no changes, corrections or deletions.

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After discussion, Councilmember Winder moved to approve the Minutes of the Regular Meeting held October 2, 2007, as written. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Temporary Mayor Pro Tem Peterson	Yes

Unanimous.

13471 **PROCLAMATION RECOGNIZING THE MONTH OF OCTOBER, 2007, AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH IN WEST VALLEY CITY**

Councilmember Steve Vincent read a Proclamation recognizing the month of October, 2007, as National Domestic Violence Awareness Month in West Valley City.

13472 **COMMENT PERIOD**

The following individuals addressed the City Council during the Comment Period:

DeAnna Hammond addressed the City Council regarding proposed Resolution No. 07-223. Ms. Hammond stated she opposed West Valley City purchasing the property and did not understand why the City raised taxes if they had that much disposable money. She also stated it was her understanding the City would pay more for the property than had the Crisis Nursery. She also questioned why the City would give additional money to the Crisis Nursery.

Don Mignon addressed the City Council. Mr. Mignon spoke regarding government's involvement in private business such as Comcast. He indicated he had appeared before the Council previously and everyone knew why he was present. He stated when there was interaction between people, government must make simple rules. Acting City Manager, Paul Isaac, stated he would follow up on the concerns expressed by Mr. Mignon.

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13473 **PUBLIC HEARING, APPLICATION NO. S-17-2007, FILED BY JEFF RANDALL, REQUESTING AMENDMENT TO LOTS 19 AND 20 OF THE WEST VALLEY TRUCK CENTER SUBDIVISION LOCATED AT 5211 WEST 2400 SOUTH**

Acting City Manager, Paul Isaac, stated a public hearing had been advertised for in order for the City Council to hear and consider public comments regarding Application No. S-17-2007, filed by Jeff Randall, requesting amendment to Lots 19 and 20 of the West Valley Truck Center Subdivision located at 5211 West 2400 South. He discussed proposed Ordinance No. 07-61 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 07-61 which would approve an amendment of Lots 19 and 20 of the West Valley Truck Center Subdivision, and give approval to abandon a portion of a public utility easement.

Mr. Isaac stated the purpose of the amendment would be to abandon a portion of the recorded public utility easement between the two lots. He indicated that when the West Valley Truck Center Subdivision was recorded, a number of utility easements had been placed on the plat in order to accommodate the different types of utilities needed to service the subdivision. He further indicated one such easement was located between Lots 19 and 20 of the subdivision.

The Acting City Manager further stated Codale Electric, one of the areas largest suppliers of electrical equipment, had proposed to locate on Lots 19 and 20. He indicated that in a letter to the City, the applicant stated the size of the new building would require the existing lot line separating the two referenced lots be adjusted and the existing 20 foot utility easement be abandoned.

Mr. Isaac reported an application to alter the lot line had been submitted and approved by staff. He stated although the lot line adjustment allowed for slight modifications to the existing lot lines, the abandonment of the utility easement would need to be done by ordinance.

Temporary Mayor Pro Tem Peterson opened the public hearing. There being no one to speak either in favor or in opposition, Temporary Mayor Pro Tem Peterson closed the public hearing.

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ACTION: CONSIDER ORDINANCE NO. 07-61, APPROVING AMENDMENT OF LOTS 19 AND 20 OF THE WEST VALLEY TRUCK CENTER SUBDIVISION; AND GIVING APPROVAL TO ABANDON A PORTION OF A PUBLIC UTILITY EASEMENT

The City Council previously held a public hearing regarding Application No. S-17-2007, filed by Jeff Randall, and proposed Ordinance No. 07-61 which would approve an amendment of Lots 19 and 20 of the West Valley Truck Center Subdivision; and give approval to abandon a portion of a public utility easement.

After discussion, Councilmember Winder moved to approve Ordinance No. 07-61, an Ordinance Approving the Amendment of Lots 19 and 20 of the West Valley Truck Center Subdivision; and to give approval to abandon a portion of a public utility easement. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Coleman	Yes
Ms. Burt	Yes
Mr. Winder	Yes
Temporary Mayor Pro Tem Peterson	Yes

Unanimous.

13474

PUBLIC HEARING, APPLICATION NO. PUD-2-2007, FILED BY IVORY HOMES, REQUESTING AMENDMENT OF LOT 1 IN THE Highbury Commons AT LAKE PARK SUBDIVISION LOCATED AT 3100 SOUTH 5400 WEST

Acting City Manager, Paul Isaac, stated a public hearing had been advertised in order for the City Council to hear and consider public comments regarding Application No. PUD-2-2007, filed by Ivory Homes, requesting an amendment of Lot 1 in the Highbury Commons at Lake Park Subdivision located at 3100 South 5400 West. He discussed the Application and proposed Ordinance No. 07-62 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 07-62 which would approve an amendment of Lot 1 in the Highbury Commons at Lake Park Subdivision, and give final plat approval for the Towns at Highbury Commons.

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Mr. Isaac stated the Towns at Highbury Commons was a residential community consisting of 102 units on 10.2 acres. He also stated the project was located immediately to the east of the Kohls shopping center and south of the recently approved Arbor Square townhome community.

The Acting City Manager reported the site had been designed with the majority of buildings fronting Daybury Drive and Highbury Parkway. He stated the type of building orientation had been applied to all of the multiple-family residential housing thus far approved in the Lake Park development.

Mr. Isaac indicated building elevations had a great deal of movement in both the exterior façade and roof line. He stated this would be a positive element in the overall design of the project as more than half of the units fronted a dedicated right-of-way. He further stated building would consist of 100% masonry products; brick and stucco would comprise the majority of exterior materials. He indicated other masonry products might be used as accents where determined appropriate. He stated the developer had determined three color schemes would be used throughout the development.

Acting City Manager, Paul Isaac, stated all residential units would have a two-car garage and additional parking spaces had been provided for guest parking throughout the development. He indicated overall parking had been calculated at 4.2 spaces per unit, calculated based on the garage, space in front of the garage, and guest spaces. He stated Ivory Homes was also considering the option to have on-street parking along Daybury Drive. He indicated after discussing the matter with the Public Works Department, the right-of-way width could accommodate on-street parking, but permanent parking at this location would be discouraged.

Mr. Isaac reported there were four unit types with varying square footage. Proposed residential units would be 1,272; 1,379; 1,605; and 1,768 square feet and all units would have a courtyard and/or covered porch. The courtyard areas were fairly large and would provide residents a sense of outdoor living. He further stated Ivory proposed to construct basements for all residential units. He advised that according to a soils report, ground water had been encountered at depths ranging from 7.5 to 10 feet below existing grades. He stated, as existing grades would be elevated from what they were now, ground water impacts should not be a concern.

The Acting City Manager indicated the project site contained approximately 46.7 percent of open space. He also indicated that during the preliminary review; the Planning Commission approved the open space proposal based on Ivory's commitment to include certain amenities in the project. Ivory had submitted

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plans showing a combination of the following: 1) sports court; 2) tot lot; 3) BBQ areas; 4) covered pavilion; 5) picnic tables; and 6) circular walking path. Mr. Isaac stated staff believed these amenities, along with what Zion's Securities had proposed by way of the trail system, waterways and urban fishery, would provide ample recreational and outdoor opportunities for residents living in the community.

Mr. Isaac stated access to the site would be gained from Daybury Drive and Highbury Parkway. He indicated these roadways were presently being constructed and were public rights-of-way. He stated sufficient width did exist along these roads to accommodate bicycle lanes. He indicated internal access would be via private drives and alleys.

Acting City Manager, Paul Isaac, explained once the project was completed; the site would be turned over to a professional management company. He stated staff had expressed concern about past projects being turned over to an uneducated association or projects turned over to the association without all development items being completed. He indicated the development agreement addressed those issues and would involve the developer, Homeowner's Association (HOA), and City staff before the project was transferred.

Temporary Mayor Pro Tem Peterson opened the public hearing.

Darren Haskell, representing the applicant, Ivory Homes, addressed the City Council. Mr. Haskell thanked the City Council for considering the proposal and also expressed appreciation for his good working relationship with City staff.

There being no one else to speak either in favor or in opposition, Temporary Mayor Pro Tem Peterson closed the public hearing.

ACTION: CONSIDER ORDINANCE NO. 07-62, APPROVING AMENDMENT OF LOT 1 IN THE HIGBURY COMMONS AT LAKE PARK SUBDIVISION; AND GIVING FINAL PLAT APPROVAL FOR THE TOWNS AT HIGBURY COMMONS

The City Council previously held a public hearing regarding Application No. PUD-2-2007, filed by Ivory Homes, and proposed Ordinance No. 07-62 which would approve an amendment of Lot 1 in the Highbury Commons at Lake Park Subdivision; and give final plat approval for the Towns at Highbury Commons.

Upon discussion, Mayor Pro Tem Peterson and Councilmembers Burt, Coleman and Winder commented regarding the exceptional quality of the townhomes and expressed pleasure with the project.

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After discussion, Councilmember Coleman moved to approve Ordinance No. 07-62, an Ordinance Approving the Amendment of Lot 1 in the Highbury Commons at Lake Park Subdivision; and to give final plat approval for the Towns at Highbury Commons. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Burt	Yes
Mr. Coleman	Yes
Mr. Winder	Yes
Temporary Mayor Pro Tem Peterson	Yes

Unanimous.

13475

RESOLUTION NO. 07-219, AUTHORIZE PURCHASE OF A STORAGE AREA NETWORK FROM VALCOM COMPUTER CENTER IN ORDER TO OBTAIN ADDITIONAL DISK SPACE FOR STORAGE OF THE CITY'S ELECTRONIC FILES

Acting City Manager, Paul Isaac presented proposed Resolution No. 07-219 which would authorize purchase of a storage area network from Valcom Computer Center in order to obtain additional disk space for storage of the City's electronic files. Mr. Isaac advised this purchase would be made through the HP Lease Purchase Agreement previously approved on January 3, 2006, under Resolution No. 06-04.

Mr. Isaac stated formal bidding had not been required for the purchase because this vendor held a contract with the State of Utah. If approved, this purchase would increase the disk storage for the City's computer network servers from seven Terabytes to 14 Terabytes. The need for additional disk space was largely due to the increased volume of document and photo images stored in SIRE. He reported this purchase included the storage area network equipment along with maintenance and support for a four year period.

After discussion, Councilmember Coleman moved to approve Resolution No. 07-219, a Resolution Authorizing the Purchase of a Storage Area Network from Valcom Computer Center in Order to Obtain Additional Disk Space for the Storage of the City's Electronic Files. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Ms. Burt	Yes
Mr. Coleman	Yes
Mr. Winder	Yes
Temporary Mayor Pro Tem Peterson	Yes

Unanimous.

13476

RESOLUTION NO. 07-220, APPROVE AGREEMENT WITH AVAYA, INC. FOR MAINTENANCE OF THE CITY'S TELEPHONE EQUIPMENT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 07-220 which would approve an Agreement with Avaya, Inc. in the amount of \$47,592.00 annually for maintenance of the City's telephone equipment.

Mr. Isaac stated the proposed agreement authorized Avaya to provide maintenance of all City telephone equipment for the next 48 months. He advised the contract had been submitted by an Avaya channel partner, S1 IT Solutions (formerly Source1).

The Acting City Manager reported two of the City's contracts with Avaya expired this month and two contracts would expire next April (2008). He also reported renewal of the contracts at the present time would take advantage of a new State of Utah contract for Avaya services. He indicated the contract discounted Avaya services by three percent more than the City's current contracts. He advised it would also simplify management of the contracts because they expired on the same date.

After discussion, Councilmember Winder moved to approve Resolution No. 07-220, a Resolution Authorizing the Execution of an Agreement between West Valley City and Avaya, Inc. for Maintenance of the City's Telephone Equipment. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Burt	Yes
Mr. Coleman	Yes
Mr. Winder	Yes
Temporary Mayor Pro Tem Peterson	Yes

Unanimous.

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13477 **RESOLUTION NO. 07-221, APPROVE AGREEMENT WITH N. MICHAEL CUNNINGHAM AND CRAIG MARBERRY FOR DISPLAY OF ARTWORK AT THE UTAH CULTURAL CELEBRATION CENTER**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 07-221 which would approve an Agreement with N. Michael Cunningham and Craig Marberry for display of artwork at the Utah Cultural Celebration Center.

Mr. Isaac stated the Utah Cultural Celebration Center (UCCC) had been scheduled to host an exhibit of photographs, entitled “Crowns: Portraits of Black Women in Church Hats, Photographs by Michael Cunningham, Interviews by Craig Marberry.” He also stated the exhibit would run from January 11 through February 28, 2008. He indicated the exhibit presented the rich cultural tradition of African American women wearing elaborately styled hats, based on the best selling book by the same name. He stated the exhibit was presented in partnership with Salt Lake Community College Grand Theater highlighting the stage presentation of “Crowns” (a gospel-fueled musical based on the book and the exhibition) during the same time period. He advised the exhibit utilized photography and text to portray an evolving expression of cultural and heritage consistent with the mission of the UCCC. The agreement between West Valley City, Salt Lake Community College Grand Theater, and the artists/exhibit owners was being submitted for Council review.

The Acting City Manager reported the traveling exhibition primarily consisted of framed photography works. He also reported 100% of the exhibition fee would be paid by the Salt Lake Community College Grand Theater. A VIP reception would be held January 17, 2008, with a public reception planned for January 18, 2008. He stated music and dance performances would be part of the opening. He indicated the UCCC would also host guided educational tours for student groups as well as offer an ARTrageous Tuesday program connected with the exhibit.

Mr. Isaac stated the Salt Lake Community College Grand Theater approached the UCCC regarding hosting the exhibit because of the close connection to the UCCC mission. He indicated they desired an off-campus site to host the exhibit to help expand their outreach and promotions for the stage performance. He stated the exhibit had been scheduled to coincide with African American Heritage Month and Martin Luther King, Jr. Day. He indicated this would be the first major program at the UCCC to highlight African American heritage, and was intended to expand audience draw into the Center during this important time period.

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Temporary Mayor Pro Tem Peterson commented regarding the quality of the gallery and exhibits displayed there; and stated the UCCC was already booking throughout 2008.

After discussion, Councilmember Burt moved to approve Resolution No. 07-221, a Resolution Authorizing the Execution of an Agreement between West Valley City and N. Michael Cunningham and Craig Marberry for the display of Artwork at the Utah Cultural Celebration Center (UCCC). Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Burt	Yes
Mr. Coleman	Yes
Mr. Winder	Yes
Temporary Mayor Pro Tem Peterson	Yes

Unanimous.

13478

RESOLUTION NO. 07-222, REQUEST RECERTIFICATION OF THE WEST VALLEY CITY JUSTICE COURT BY THE UTAH JUDICIAL COUNCIL AND THE JUSTICE COURTS STANDARDS COMMITTEE

Acting City Manager, Paul Isaac, presented proposed Resolution No. 07-222 which would request recertification of the West Valley City Justice Court by the Utah Judicial Council and the Justice Courts Standards Committee.

Mr. Isaac stated the West Valley City Justice Court operated under the authority of the Utah Code and the rules of the Utah Judicial Council and was certified by the Utah Judicial Council and the Justice Courts Standards Committee. He also stated that every four years the Justice Court must be recertified by these entities to ensure compliance with applicable laws and regulations.

The Acting City Manager reported the City recently had been notified by the Administrative Office of the Courts that the Justice Court was due for recertification. He also reported the proposed resolution affirmed the City's willingness to continue to meet all necessary and reasonable requirements set forth by the Utah Code and the Utah Judicial Council for continued operation of the Justice Court for another four years.

After discussion, Councilmember Coleman moved to approve Resolution No. 07-222, a Resolution Requesting the Recertification of the West Valley City Justice

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Court by the Utah Judicial Council and the Justice Courts Standards Committee. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Burt	Yes
Mr. Coleman	Yes
Mr. Winder	Yes
Temporary Mayor Pro Tem Peterson	Yes

Unanimous.

13479

RESOLUTION NO. 07-223, APPROVE REAL ESTATE PURCHASE AGREEMENT WITH THE FAMILY SUPPORT CENTER TO PURCHASE PROPERTY LOCATED AT 4478 HAWARDEN DRIVE IN WEST VALLEY CITY

Acting City Manager, Paul Isaac, presented proposed Resolution No. 07-223 which would approve a Real Estate Purchase Agreement with the Family Support Center to purchase property located at 4478 Hawarden Drive in West Valley City.

Mr. Isaac stated the home had been purchased for the purpose of locating a crisis nursery and the City desired to purchase the home and assist the Crisis Nursery in relocating. He indicated the subject property was in a single-family residential zone and the current owners had suggested a non-residential use. He indicated in an effort to assist the owner in finding a suitable location, the City had suggested a possible purchase of the home.

Upon discussion, Councilmember Winder commented the City Council had originally approved the project because it was a worthy cause. He stated had the Crisis Nursery fulfilled all of the conditional uses they still would not have ended up with everything they needed. He stated the City Council directed the City Manager to work with the Family Support Center to help them succeed in their endeavors. He reported the City was paying dollar per dollar for what the Family Support Center paid for the property. He also stated this was not a normal thing done by the City; but the Council did desire the Crisis Nursery to succeed in addition they desired the neighborhood should also remain great. He stated the ability to help the Family Support Center and the neighborhood was good.

Councilmember Coleman commented neighbors he spoke with were very pleased with the City's actions. He stated in the end, it would not be an actual cost to the City as the property would be sold with the City recouping the costs. He

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indicated if the City was unable to sell the property there would be other avenues available for use of the home such as Housing Authority programs. He stated it had been an offer the City made to the Family Support Center in good faith and they needed to following through.

After further discussion, Councilmember Winder moved to approve Resolution No. 07-223, a Resolution Approving a Real Estate Purchase Agreement with the Family Support Center to Purchase Property Located at 4478 Hawarden Drive in West Valley City. Councilmember Coleman seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Ms. Burt	Yes
Mr. Coleman	Yes
Mr. Winder	Yes
Temporary Mayor Pro Tem Peterson	Yes

Unanimous.

Upon further discussion, Councilmember Vincent expressed concern about the purchase and stated he felt the Family Support Center should have done their homework before the purchase. He stated he remained uncomfortable, but recognized the commitment made by the City.

Councilmember Peterson stated it had been an unfortunate situation and she inquired where the money would come from if the property was sold for less. Acting City Manager, Paul Isaac, stated the City had no intention of selling it at a loss.

13480

APPLICATION NO. S-15-2007, FILED BY JEAN DIXON, REQUESTING FINAL PLAT APPROVAL FOR HOLLOW CREEK SUBDIVISION LOCATED AT 3315 SOUTH 6400 WEST

Acting City Manager, Paul Isaac, presented Application No. S-15-2007, filed by Jean Dixon, requesting final plat approval for Hollow Creek Subdivision located at 3315 South 6400 West.

Mr. Isaac stated the developer had proposed a flag lot subdivision consisting of four lots. He further stated, at the present time, two existing single-family dwellings occupied the property. The dwelling on Lot 1 would remain while the other dwelling would be removed to provide access to the subdivision. He informed as all new lots would be considered flag lots, they would need to meet

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the minimum requirement of 10,000 square feet. He stated the smallest lot in the subdivision would be approximately 11,500 square feet.

The Acting City Manager reported the subject property had recently been re-zoned; and as part of the rezone, the applicant agreed to a number of development standards. He stated a copy of the design standards were provided to the City Council.

Mr. Isaac stated access to the subdivision would be gained from 6400 West. He also stated Lots 2-4 would gain access via a private lane. A turnaround had been provided between Lots 2 and 3 for emergency vehicles. The private lane would be maintained in common by the owners of Lots 2-4.

The Acting City Manager explained street improvements along 6400 West would consist of curb, gutter and sidewalk. The private lane would be improved with curb, gutter and sidewalk along the south side. The connection of new improvements with those already existing along 6400 West would need to be coordinated with the City Engineering Division.

Mr. Isaac stated the new lane providing access into the subdivision would create double frontage lots for those existing residences to the south. He indicated in order to mitigate the problems that could arise from this situation the developer had agreed to install a six-foot vinyl fence along the entire south boundary of the subdivision.

Upon inquiry, Acting City Manager, Paul Isaac, reported the sidewalk would not be required; however, the developer had volunteered to install it. Acting CED Director, John Janson, stressed the importance of sidewalks and how important they were to the City. He stated this was on a private lane, but would still be a helpful improvement.

Upon inquiry regarding the street width, Fire Chief, John Evans, stated the street had enough width to adequately accommodate fire equipment.

After discussion, Councilmember Coleman moved to approve Application No. S-15-2007, filed by Jean Dixon, and give final plat approval for Hollow Creek Subdivision located at 3315 South 6400 West. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent

Yes

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Ms. Burt	Yes
Mr. Coleman	Yes
Mr. Winder	Yes
Temporary Mayor Pro Tem Peterson	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, OCTOBER 16, 2007, WAS ADJOURNED AT 7:11 P.M., BY TEMPORARY MAYOR PRO TEM PETERSON.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held October 16, 2007.

Carel Hicks, CMC
Acting City Recorder